

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

RITA A. THOMAS,

Plaintiff,

V.

PUBLIX ALABAMA, LLC.,

Defendant.

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) CIVIL ACTION NO. 06-HS-1730-S

MEMORANDUM OF OPINION.

On August 22, 2008 the Magistrate Judge's Findings and Recommendation was filed. No objections have been filed by either the plaintiff or defendant pursuant to Rule 72(b) of the *Federal Rules of Civil Procedure*.

Having carefully reviewed and considered *de novo* all the materials in the court file, including the findings and recommendation, the Court is of the opinion that the magistrate judge's report is due to be and is hereby **ADOPTED** and his recommendation is **ACCEPTED**. The Court **EXPRESSLY FINDS** that there are no genuine issues of material fact and that the defendant is entitled to judgment as a matter of law. A final judgment will be entered.

DONE this the 9th day of September, 2008.

A handwritten signature in black ink, appearing to read "V. Emerson Hopkins", written over a horizontal line.

VIRGINIA EMERSON HOPKINS

United States District Judge